

1 not, or it's good to be homeless or not, is ridiculous.
2 There's no factual basis that this is the way other stations
3 cover that material.

4 MR. EMMONS: All right. Well, without regard to
5 what the other -- what other stations do, Your Honor, most of
6 the paragraphs of the materials that Mr. Honig has cited
7 simply state what this station does and it seems to me that
8 that's relevant.

9 JUDGE CHACHKIN: Well, 47 attempts to compare it
10 with other stations --

11 MR. EMMONS: Well, if you, if you eliminate that
12 comparison, Your Honor, the, the remainder of 47 starting at
13 the top of page 27 with the sentence, "If the issue under
14 discussion is alcohol, etc." it is all a statement of what
15 this station does and does not refer to what other stations do
16 and it seems to me therefore is relevant and admissible. And
17 likewise with paragraph 48 is entirely a statement of what
18 this station does.

19 MR. HONIG: May I respond, Your Honor?

20 JUDGE CHACHKIN: Yes.

21 MR. HONIG: I think there is evidence that's being
22 proffered both by Trinity and by S.A.L.A.D. that's much more,
23 more useful in developing findings and that's the actual
24 issues programs list. That's what the Commission expects
25 licensees to set out -- to hold out to the public, to, to how

1 particular programs address community needs. That's useful
2 evidence. This doesn't add --

3 MR. EMMONS: Well, it adds what the licensee's
4 intention was, Your Honor, and I think that's quite relevant.

5 MR. HONIG: I know of no --

6 JUDGE CHACHKIN: Well, I don't -- I'm having
7 difficulty understanding what the station is saying. The
8 station is saying that there aren't subjects in which there's
9 legitimate viewpoints in which both sides should be heard?

10 MR. EMMONS: Oh, not at all, Your Honor.

11 JUDGE CHACHKIN: Well, that's what it seems to
12 indicate, that every subject whether it's of controversial
13 nature or not, they take the practical stance which by them
14 means that they put on someone who, who tries to -- whether
15 it's spouse abuse, "We try to interview people who are running
16 facilities for battered women," that's fine, but what does
17 that have to do with discussion shows on matters of importance
18 in the community? You know, I don't quite understand what the
19 distinction here is frankly. Obviously, if you're going to
20 discuss an area where there's no dispute, namely, the fact
21 that there are battered women and you want to tell them where
22 to go for help, that's not a discussion of a subject which may
23 be of -- a dispute about -- legitimate points of view on. I
24 mean, that's the service they're performing by telling people,
25 but, but that's not dealing with public affairs, I mean,

1 whether there's a dispute between parties. So, I don't
2 understand that. They claiming that no other station provides
3 a service of this nature whereby they tell people --

4 MR. EMMONS: Your Honor --

5 JUDGE CHACHKIN: -- if you -- if there's unemployment
6 you go to X Street to pick up your check, or if you, if you
7 have a problem you go to X Hospital or what-have-you? Is that
8 what this contention is?

9 MR. EMMONS: Your Honor --

10 JUDGE CHACHKIN: There's certainly no basis for it.

11 MR. EMMONS: We'll accede to the objection in terms
12 of the comparison to the other stations. But what remains is
13 a statement of, of this station's public service and, and, and
14 that's relevant I think.

15 MR. HONIG: The difficulty, Your Honor, with
16 allowing a self-description of programming philosophy is that
17 it's, it's a radical departure from the way the Commission has
18 evaluated evidence of meritorious programming. It has never
19 to my knowledge gone into the subjective intentions or, or
20 motives of licensees but, rather, focuses on what the viewer
21 sees as the end product as, as determining whether either
22 community needs have been met or whether programming was, was
23 substantial or meritorious -- may be important for whether --
24 for the other issues in this case, but is, is irrelevant in
25 this one. They can have bad or good intentions; the question

1 is what does the viewer see.

2 MR. EMMONS: Well, I think the intentions go hand-
3 in-hand with the product, Your Honor, and I think they're both
4 relevant.

5 JUDGE CHACHKIN: Well, what's relevant is the
6 product as far as the Commission is concerned. They have the
7 best of intentions, but if the product is -- doesn't satisfy
8 what is required for renewal expectancy, then the intentions
9 are meaningless. And it seems to me the product is reflected
10 in the programming carried by the station, not by the
11 station's philosophy.

12 MR. EMMONS: Well, Your Honor, paragraph 48 is seems
13 to me would survive even that, that definition. It's strictly
14 the factual description of --

15 JUDGE CHACHKIN: Well, but there -- we don't have a
16 factual description; we have a conclusion. The list -- guests
17 on our programs usually is heavy with people involved with
18 local or state agencies. That's a conclusion. Do we have
19 lists -- are you offering lists showing who these individuals
20 are who appeared on the program or are we supposed to accept
21 the conclusion of Mr. Everett that the list is heavy with
22 people involved with local or state agencies? The list will
23 speak for themselves. If the persons on the lists are
24 identified as being with local or state agencies then that
25 fact has been established. But all we have is general

1 conclusions here. I'm going to reject paragraphs 47 and 48.

2 Now, you also object to 49?

3 MR. HONIG: Yes, Your Honor, 49 through 52.

4 JUDGE CHACHKIN: Now, isn't -- haven't you provided
5 a description of the program "Joy"?

6 MR. EMMONS: I think that's provided, Your Honor.

7 JUDGE CHACHKIN: So, what is the point of his
8 characterization of "Joy" if you provided it? What is the
9 description of "Joy"? What page is it? "Joy Junction"? Is
10 that what it is? No, it's not "Joy Junction." Is it listed
11 here, "Joy"? I notice here --

12 MR. EMMONS: I think it's, it's --

13 JUDGE CHACHKIN: I notice here another defect here.
14 Where is "Joy" listed here on your program list?

15 MR. EMMONS: I think, Your Honor, I'll have to go
16 through this -- programs lists, some of them -- well, for
17 example --

18 JUDGE CHACHKIN: Is there a program called "Joy"?

19 MR. EMMONS: Yes, and it's -- an example -- I just
20 happened -- on Tab H of Exhibit 33, page 53, lists the program
21 "Joy," which in this case had a -- the regional director for
22 rehabilitation program for criminals in prison was a guest on
23 the program and there's a description of, of that program
24 there. Again, on page 54 I notice at the same tab --

25 JUDGE CHACHKIN: Programs that you list there with a

1 description you don't include "Joy"?

2 MR. EMMONS: Where are you referring, Your Honor? I
3 mean --

4 JUDGE CHACHKIN: Well, in the preceding paragraphs
5 where you discuss your programs, you put forward what you're
6 -- why you're entitled to renewal expectancy.

7 MR. EMMONS: I don't, I don't think it purports
8 to list every program, no, because the lists themselves as, as
9 you said speak for themselves.

10 MR. SCHAUBLE: Your Honor, so far as I'm aware,
11 paragraph 49 is the only listing in the -- in Mr. Everett's
12 declaration concerning the "Joy" program.

13 MR. EMMONS: I think that's right, Your Honor, but
14 it does appear several times on the issues programs list just
15 by cursory glance.

16 JUDGE CHACHKIN: I notice something else about the
17 programs that you, you do list beginning on page 27, paragraph
18 27. You say, "It was broadcast on Saturday mornings from 9:00
19 to 9:30 throughout most of the license term." What does that
20 mean? I mean, you don't have data as to the specific dates it
21 was broadcast?

22 MR. EMMONS: Well, the next sentence, Your Honor, I
23 think explains what was intended by that. It does not
24 appear --

25 JUDGE CHACHKIN: Doesn't show up on Saturday on the

1 composite week for 1991. What composite week are we talking
2 about?

3 MR. EMMONS: That, that's the --

4 JUDGE CHACHKIN: Your sample composite week?

5 MR. EMMONS: That's right.

6 JUDGE CHACHKIN: So, you don't have any data as to
7 when this program was broadcast? You don't have any specifics
8 as to when the program was carried and when it stopped?

9 MR. EMMONS: Not beyond what's described in
10 paragraph 27 I believe, Your Honor, that's right.

11 JUDGE CHACHKIN: Well, it certainly doesn't give us
12 any information. Now, you also say "Joy Junction" was
13 broadcast from 10:00 to 10:30 a.m. on Saturday mornings
14 throughout the entire license term. Are you saying that you
15 have -- you've examined station records which reflect it was
16 carried throughout the license term?

17 MR. EMMONS: Your Honor, I can't speak for what the
18 witness referred to in making that statement, but it seems to
19 me that the statement is, is clear and, and unambiguous.

20 JUDGE CHACHKIN: The next one says, "Throughout most
21 of the license term." What does that mean? When did it begin
22 and when did it stop?

23 MR. EMMONS: Well --

24 JUDGE CHACHKIN: How could anyone draw -- write
25 findings on it if we don't know when -- we know it was carried

1 but when?

2 MR. EMMONS: Well --

3 JUDGE CHACHKIN: When it was stopped and why was it
4 stopped.

5 MR. EMMONS: Well, the paragraph you're referring
6 to, Your Honor, does refer to the years '87, '89 and '90 as,
7 as when it did run, and that's certainly some evidence of, of
8 the fact that it ran and --

9 JUDGE CHACHKIN: And the next one says, "Throughout
10 the entire license term." Does that mean it was carried from
11 day one of the license term till the end of the license term?
12 Is that --

13 MR. EMMONS: Yes.

14 JUDGE CHACHKIN: Too bad Mr. Everett isn't here to
15 tell us that. The same with "Real Videos." I guess it says
16 throughout. Then we get to "John Jacobs and the Power Team"
17 and that says, "It was broadcast on Saturday mornings at
18 various times throughout the entire license term." How
19 indefinite can you be? What does that mean? Weekly?
20 Monthly? Every six months? What does that mean? You don't
21 have any evidence on that?

22 MR. EMMONS: Not beyond what's here, Your Honor, no.

23 JUDGE CHACHKIN: And the next one says it was
24 broadcast during the -- "Circle Square" during the early-
25 afternoon hours. What hours was it broadcast? What, what do

1 | you mean by early-afternoon hours?

2 | MR. EMMONS: Well, I would think that would mean
3 | from 12:00 to 3:00, Your Honor.

4 | JUDGE CHACHKIN: But the next one, "Meadowlark
5 | Lemon," at various times on Saturday and Friday. Now, what
6 | does that mean, various times? How many times? Was it a
7 | weekly show, a monthly show? Was it a special program? What
8 | was it? "Dallas Home" was also broadcast at various times
9 | beginning midway through the -- during the license term.
10 | That's even more indefinite. What does "midway during the
11 | license term" mean -- "beginning midway"? Don't we have more
12 | specifics as to when these programs were broadcast or this
13 | just -- is general recollection didn't he look at any records
14 | to come up with these things?

15 | MR. EMMONS: No, I think he did look at records,
16 | Your Honor. I think he was very careful about, about, about
17 | the testimony he was giving. And I felt that -- would have
18 | felt that some of these words he has used were self-
19 | explanatory, such as early-afternoon.

20 | JUDGE CHACHKIN: Well, perhaps early-afternoon, but
21 | what does various times mean? And the next one says, "'Flying
22 | House' was broadcast in 1990 and Saturday afternoon in 1991."
23 | Is this a weekly program, a monthly program? What is it?

24 | MR. EMMONS: I think clearly weekly, Your Honor, by,
25 | by the information given.

1 JUDGE CHACHKIN: And what about "Quigley's Village"?
2 It says -- is this broadcast on a regular basis every week?

3 MR. EMMONS: Saturdays, yes, Your Honor.

4 JUDGE CHACHKIN: In all of 1990 and all of 1991,
5 from January to December?

6 MR. EMMONS: That's the way I would read that, Your
7 Honor, yes.

8 JUDGE CHACHKIN: Well, what -- obviously it must be
9 based on some -- is there anything in this exhibit which
10 indicates what record -- do you have any record data which
11 sets forth -- provides a documentary basis for these
12 statements as to when this program was broadcast?

13 MR. EMMONS: Well --

14 JUDGE CHACHKIN: Or is this just his general
15 recollection?

16 MR. EMMONS: No, I, I think that it's based on
17 records, Your Honor.

18 JUDGE CHACHKIN: You've seen such records?

19 MR. EMMONS: I have not.

20 MR. SCHAUBLE: I have not either, Your Honor.

21 JUDGE CHACHKIN: Well, I don't know why nobody asked
22 of Mr. Everett -- there are certainly a lot of questions that
23 could be asked of Mr. Everett. All of these programs, so
24 indefinite as to when they were broadcast that it's difficult
25 to tell.

1 MR. HONIG: Your Honor, perhaps we should have asked
2 for Mr. Everett, but I think that the burden is not on, on,
3 on, on us to develop the, the basic case that Trinity of
4 demonstrating renewal expectancy. If they failed to do that
5 there's nothing to cross-examine.

6 JUDGE CHACHKIN: Well, did anyone ask for the
7 records of which these specifics are based?

8 MR. EMMONS: Yes, we provided all of -- to my
9 understanding provided all the logs and, and backup material
10 that the other parties requested.

11 JUDGE CHACHKIN: But the backup material you claim
12 does not show these dates, that this apparently is --

13 MR. EMMONS: No, I didn't say that, Your Honor, I
14 didn't mean to say that at least. What I, what I said is I
15 hadn't seen it, and the, the only backup material that is
16 offered -- that is in the record or, or that was offered to,
17 to go into the record are the -- what we call the composite
18 week logs. We have program logs for the entire -- for every
19 single day covering the entire renewal term and Mr. Schauble
20 will correct me if I'm mistaken, but I think that that was
21 either all provided or all offered.

22 MR. SCHAUBLE: I am -- some program logs were
23 provided, but not, not all of them.

24 MR. EMMONS: Well --

25 MR. SCHAUBLE: That's -- I mean -- and not all the

1 program, not all the program logs were produced. Some were.

2 MR. EMMONS: Well, there was no effort to withhold
3 anything. If they weren't all produced, either they weren't
4 requested or, or, or it was an oversight. Glendale didn't as
5 far as I know ask for a supplement or tell us anything was
6 missing. But --

7 JUDGE CHACHKIN: All right.

8 MR. EMMONS: -- I'm told they go everything.

9 JUDGE CHACHKIN: Where, where is -- where, where,
10 where -- what was your objection -- your next objection? I
11 just want to point out these deficiencies. When you said at
12 varied times and it doesn't speak in terms of whether it was
13 five times or six times or three times or more specific, those
14 deficiencies are going to affect the -- any findings. Your
15 objection was to what -- what was -- "The Hawaiians"? We went
16 beyond "Hawaiians." We're talking about paragraph 53 -- no,
17 paragraph --

18 MR. HONIG: 49.

19 JUDGE CHACHKIN: -- 49, Mr. Honig, was it?

20 MR. HONIG: 49 through 52.

21 JUDGE CHACHKIN: 49 through 52? Well, here we have
22 a description of "Joy." I don't know if there's an objection
23 to it. It just -- there's other programs listed here and he's
24 providing a description of it and what is the basis of your
25 objection?

1 MR. HONIG: The first sentence gives a legal
2 conclusion.

3 JUDGE CHACHKIN: Well, but then it describes the
4 programs which it believes fits under these categories. I'll
5 overrule that objection.

6 MR. HONIG: In paragraph 50, Your Honor --

7 JUDGE CHACHKIN: Yes?

8 MR. HONIG: -- the difficulty that I have, and this
9 applies to 51 also, is, is, is the vagueness and uncertainty
10 of, of the descriptions. Paragraph 50 speaks in the second
11 sentence to -- of PTL regularly featured discussions and then
12 at the end the guests on the show included a good number of
13 Miami ministers. Without knowing what regularly and good
14 number means, in 51, regularly, often, those are, those are so
15 subjective that one can't base findings on them.

16 JUDGE CHACHKIN: Well, if they're deficiencies
17 they're deficiencies. Obviously, these matters could have
18 been cleared up by cross-examination. Since nobody requested
19 its individual cross-examination we have to deal with what we
20 have.

21 MR. HONIG: Paragraph 52 speaks of a music program
22 and -- I guess two music programs and a purely -- appear to be
23 a couple purely religious programs that are produced locally
24 which are held out as being particularly responsive to Miami
25 because -- but there's no description of how that program or

1 | these programs, for instance "The Hawaiians," particularly
2 | relates in any way to Miami or addresses any particular needs
3 | of Miami simply by virtue of it being produced there.

4 | JUDGE CHACHKIN: Well, again, if there are
5 | deficiencies you certainly could point them out in your
6 | findings. I'll overrule the objection.

7 | MR. HONIG: I have no other objections to this
8 | exhibit, Your Honor.

9 | JUDGE CHACHKIN: All right. Anyone else have any
10 | objections? TBF Exhibit 25 with exceptions noted as to
11 | matters which are being reserved --

12 | MR. EMMONS: 32, Your Honor.

13 | JUDGE CHACHKIN: 32 -- TBF Exhibit 32 is received.

14 | (Whereupon, the document referred to
15 | as TBF Exhibit No. 32 with noted ex-
16 | ceptions was received into evidence.)

17 | (Whereupon, off the record.)

18 | (Whereupon, on the record.)

19 | JUDGE CHACHKIN: On the record. Proceed with your
20 | identification of exhibits.

21 | MR. EMMONS: Your Honor, I think TBF Exhibit 33 has
22 | been previously identified. It is the testimony of Teresa
23 | Robin Downing.

24 | JUDGE CHACHKIN: All right.

25 | MR. EMMONS: At this point, TBF offers it into

1 evidence.

2 JUDGE CHACHKIN: Any objection?

3 MR. SCHAUBLE: Your Honor, before we get to
4 objections -- Your Honor, can we go off the record for a
5 moment, Your Honor?

6 JUDGE CHACHKIN: All right. We're off the record.

7 (Whereupon, off the record.)

8 (Whereupon, on the record.)

9 JUDGE CHACHKIN: Back on the record.

10 MR. EMMONS: Your Honor, Mr. Schauble has very
11 kindly pointed out to me that in lieu of Tab E or what is now
12 Tab E to Exhibit 33, the parties have reached a stipulation in
13 the form of TBF/Glendale Joint Exhibit 6 which is a more
14 complete listing or more complete inclusion of the kinds of
15 documents that are now found in Tab E. So, Tab E should be
16 deemed to be withdrawn and in lieu thereof TBF/Glendale Joint
17 Exhibit 6 should be substituted. I will distribute copies of
18 that to the reporter. For the record, Your Honor, TBF Joint
19 Exhibit 6, Joint Exhibit 6 consists of 19 pages of station
20 records entitled "Tabulation of Ascertainments."

21 JUDGE CHACHKIN: Why is, is it 6? Is there going to
22 be five others?

23 MR. EMMONS: We have others, Your Honor, and we
24 didn't know what order they were going to get offered and, and
25 they're going to be introduced and the numbering of them we,

1 we numbered them as they were coming up in the course of
2 stipulations.

3 JUDGE CHACHKIN: Well, could we make this 2 just --
4 is there any reason --

5 MR. EMMONS: We could, sure.

6 JUDGE CHACHKIN: Let's call it 2 since it's the
7 second one that's being offered.

8 MR. EMMONS: Very well.

9 (Whereupon, the document referred to
10 as TBF/Glendale Joint Exhibit No. 2
11 was marked for identification.)

12 JUDGE CHACHKIN: All right. The record should
13 reflect that Tab E of Exhibit -- of TBF Exhibit 33 has been
14 withdrawn and it is not being offered. In lieu thereof the
15 parties are offering TBF/Glendale Joint Exhibit 2. Any
16 objections to TBF/Glendale Joint Exhibit 2? The exhibit --
17 the joint exhibit is received.

18 (Whereupon, the document referred to
19 as TBF/Glendale Joint Exhibit No. 2
20 was received into evidence.)

21 JUDGE CHACHKIN: All right. Let's proceed. Is
22 there any -- as a result of the withdrawal of your Tab E is
23 there any portions of 33 that have to be also stricken?

24 MR. EMMONS: I think not stricken, Your Honor. The,
25 the reference to Tab E will now, if we can make the record

1 clear, would refer to TBF/Glendale Joint Exhibit 2 rather than
2 to Tab E.

3 JUDGE CHACHKIN: All right. So, all references to
4 Tab E are now references to TBF/Glendale Joint Exhibit 2?

5 MR. EMMONS: That's right.

6 JUDGE CHACHKIN: All right. Any objections to TBF
7 Exhibit 33?

8 MR. SCHAUBLE: Yes, Your Honor. Beginning on page
9 15 --

10 JUDGE CHACHKIN: Fifteen?

11 MR. SCHAUBLE: Fifteen, Your Honor.

12 JUDGE CHACHKIN: Yes.

13 MR. SCHAUBLE: From paragraphs 18 through to the end
14 of the exhibit, on page 19, paragraph 26.

15 JUDGE CHACHKIN: Yes.

16 MR. SCHAUBLE: I object. This is material
17 concerning the prayer partner line, and also -- for the
18 record, Your Honor, also Tabs I, J, K and L for Exhibit 33.

19 JUDGE CHACHKIN: All right.

20 MR. SCHAUBLE: I object to -- for the reasons
21 previously stated. I, I would also, I would also state that
22 even assuming the prayer partner line is relevant, I would
23 have a specific objection to Tab K which is currently a list
24 of organizations that was kept on the basis that in the
25 absence of evidence that there was provision -- that there

1 were referrals to these organizations that the fact that there
2 was a list of organizations kept by itself is not relevant.

3 JUDGE CHACHKIN: What is the list of organizations?
4 Is this to whom they referred people --

5 MR. EMMONS: Your Honor, it's -- yes, my
6 understanding, it's a list that was available to the
7 volunteers who manned this telephone line available to them
8 for reference when a person called in with a particular
9 problem that would be helped by reference to an agency in the
10 community that provided help for that kind of problem, for
11 example a soup kitchen, that the volunteers would have this
12 available to them by the telephone so that they could make
13 that referral to the caller if it were appropriate to do so.

14 JUDGE CHACHKIN: So, it's only being offered for the
15 limited purpose of showing the reference list that they
16 utilized?

17 MR. EMMONS: That's right -- that's right, to help
18 describe how that service worked.

19 JUDGE CHACHKIN: All right. I'll receive it for
20 that limited purpose, just to show the list of references they
21 used.

22 MR. SCHAUBLE: Thank you, Your Honor. Also, with
23 respect to Tab H, first list on Tab, on Tab H, the report for
24 January, February and March 1987. There are several programs
25 listed here for January of 1987. As I -- according to my

1 understanding it was prior to the beginning of the, of the
2 license term at issue here and I have a series of objections
3 to --

4 MR. EMMONS: Your Honor, that's quite right. As to
5 programs that, that are dated prior to February 1, 1987, they
6 would not be within the license term and ought not to be
7 considered. But the lists of course are, are discrete
8 documents and we didn't want to rip up the list by offering
9 just part of it. My, my suggestion would be that programs
10 dated prior to February 1, 1987 simply be disregarded and, and
11 Trinity will certainly disregard those in its findings.

12 JUDGE CHACHKIN: Is that, is that satisfactory?

13 MR. SCHAUBLE: It's, it's up to Your -- I mean, if
14 Your Honor wants to --

15 JUDGE CHACHKIN: Well, let's put it in the form of
16 stipulation. Stipulated that any programs shown on Tab H
17 which took place prior to what is it, February 1, 1987?

18 MR. EMMONS: That's right.

19 JUDGE CHACHKIN: Will not be considered.

20 MR. SCHAUBLE: I accept that stipulation, Your
21 Honor.

22 JUDGE CHACHKIN: All right, and Trinity accepts that
23 stipulation?

24 MR. EMMONS: Yes, sir.

25 JUDGE CHACHKIN: All the other parties accept that

1 stipulation?

2 MR. SHOOK: Yes, Your Honor.

3 MR. HONIG: Yes, Your Honor.

4 JUDGE CHACHKIN: All right, fine. We'll proceed in
5 that fashion.

6 MR. SCHAUBLE: And also, Your Honor, with respect to
7 that particular list, on pages 27 through 29, I object to the
8 list of PSA's for this particular list -- for this particular
9 quarter on the basis that there's no showing made as to which
10 of these PSA's ran during the license -- within the license
11 term and which ran outside the license term.

12 JUDGE CHACHKIN: What's the station's response?

13 MR. EMMONS: Well, I agree, Your Honor, that it, it
14 cannot be discerned from the, from the document itself as to
15 which did and which did not.

16 JUDGE CHACHKIN: Well, is there any records which
17 will permit which discernment?

18 MR. EMMONS: The station logs would permit that,
19 Your Honor. We have not offered logs for every day during the
20 license term. We thought that would be -- encumber the
21 record, but --

22 JUDGE CHACHKIN: Well, I don't want the logs in, but
23 what am I supposed to do with the material without knowing
24 whether it was during the program -- station's license term or
25 not?

1 MR. EMMONS: Well, we can, we can supplement this
2 with Your Honor's permission to delete the ones that were
3 during the month of January 1987 based upon our review of the
4 log.

5 MR. SCHAUBLE: Your Honor, I would object to that.
6 They had a -- they've had a full opportunity to make their
7 showing now and I don't think there's any -- this is obvious,
8 this is obviously a foreseeable matter, I don't see any basis
9 for allowing supplementation of the exhibit at this time.

10 JUDGE CHACHKIN: I'll, I'll permit the supplement.
11 When can you do that?

12 MR. EMMONS: My guess, Your Honor, that would
13 probably take about a week to have someone go through all
14 those logs.

15 JUDGE CHACHKIN: All right. Then I'll reserve
16 ruling on -- what pages are these, pages 27 --

17 MR. EMMONS: 27 to 29, Your Honor.

18 JUDGE CHACHKIN: All right. I'll reserve ruling on
19 pages 27 through 29 of Tab, Tab H.

20 MR. SCHAUBLE: Your Honor, that concludes my
21 objections.

22 JUDGE CHACHKIN: Any other objections?

23 MR. HONIG: No, Your Honor.

24 MR. SHOOK: None, Your Honor. TBF Exhibit 33 and
25 Tabs A through H are received with the exception of the

1 matters of which ruling is reserved.

2 (Whereupon, the document referred to
3 as TBF Exhibit 33 with noted ex-
4 ceptions was received into evidence.)

5 MR. EMMONS: Next, Your Honor, TBF would offer into
6 evidence TBF Exhibit 34, previously identified. The --

7 JUDGE CHACHKIN: I should say also HH, I guess, as
8 part of the offer was that -- of --

9 MR. EMMONS: Yes, HH is really a continuation of the
10 issues, problems, programs lists.

11 JUDGE CHACHKIN: All right. So, the receipt in
12 evidence also includes Tab HH of -- what about the other tabs,
13 Tab I, J, K and L? Is that also --

14 MR. EMMONS: Yes, they're all part --

15 JUDGE CHACHKIN: All right.

16 MR. EMMONS: -- part of Exhibit 33.

17 JUDGE CHACHKIN: All right. The receipt in evidence
18 of Exhibit 33 also includes Tab HH, Tab I, Tab J,
19 Tab K and Tab L.

20 MR. EMMONS: Your Honor, next is Exhibit 34,
21 TBF 34, which is the testimony of Lindee C. Dressler, which we
22 offer at this point.

23 MR. SCHAUBLE: Your Honor, has the -- are the -- has
24 this exhibit been previously identified?

25 JUDGE CHACHKIN: I don't think it has. Has it

1 | been --

2 | MR. EMMONS: Oh, I'm sorry.

3 | JUDGE CHACHKIN: Was 33 previously identified?

4 | MR. SCHAUBLE: My understanding, Your Honor, is that
5 | we were, we were identifying exhibits one volume.

6 | JUDGE CHACHKIN: Yes.

7 | MR. EMMONS: Yes, I'm so sorry.

8 | JUDGE CHACHKIN: I'm not so sure Exhibit 33 was
9 | identified.

10 | MR. EMMONS: I, I think it was not, Your Honor, and
11 | I'll do that.

12 | JUDGE CHACHKIN: Well, we'd better --

13 | MR. EMMONS: I'll do it right now.

14 | JUDGE CHACHKIN: All right.

15 | MR. EMMONS: Exhibit 33 is the testimony of Teresa
16 | Robin Downing consisting of 19 pages of text plus a signature
17 | page plus Tabs A through L.

18 | JUDGE CHACHKIN: And as I have indicated, I've
19 | received TBF Exhibit 33 and the various tabs with the
20 | exception of the material in Tab H in which I have reserved
21 | ruling.

22 | MR. EMMONS: TBF Exhibit 34, Your Honor, is the
23 | testimony of Lindee, L-I-N-D-E-E, C. Dressler,
24 | D-R-E-S-S-L-E-R, consisting of 11 pages of text plus a
25 | signature page which is page 12, and this exhibit has no tabs.

1 JUDGE CHACHKIN: All right. The document described
2 is marked for identification as TBF Exhibit 34. And let me
3 indicate for the record that I'd also marked for
4 identification the document described by counsel previously as
5 TBF Exhibit 32 and Tab A through Tab L.

6 (Whereupon, the document referred to
7 as TBF Exhibit 34 was marked for
8 identification.)

9 MR. SCHAUBLE: Your Honor, I think that was
10 Exhibit 33.

11 JUDGE CHACHKIN: Pardon me?

12 MR. SCHAUBLE: Is that -- you mentioned 32. I think
13 Ms. Downing's testimony was Exhibit 33.

14 JUDGE CHACHKIN: I understand that, but I don't know
15 if I officially mentioned that I had marked for identification
16 -- I had indicated it had, but just for the record -- there
17 was a previous description of TBF Exhibit 33 which was the
18 testimony of Teresa Robin Downing plus various tabs and I just
19 want to state officially that that document was marked for
20 identification as TBF Exhibit 33. And how we, we're dealing
21 with TBF Exhibit 34, and any objection to its receipt in
22 evidence?

23 MR. SCHAUBLE: Yes, Your Honor. Page 2, the
24 carryover paragraph which is actually part of paragraph 3,
25 from the point, " 'Miami Praise the Lord' also featured guests

1 in a talk show." I object from there down to the end of the
2 paragraph on the basis of relevance. The witness testifies
3 she was not responsible for approving guests and hosts on the,
4 on the program and -- oh, she says, "I kept my eye on the
5 program." I, I think that statement adds nothing to the
6 record and has no relevance.

7 MR. EMMONS: Well, Your Honor, this is I think
8 evidence of -- that there was a person at Trinity Network who
9 had the responsibility for -- as a backup at least -- for
10 ensuring that the program in question did respond to the
11 problems identified by the ascertainment in the Miami
12 community. And so it's a relevant description therefore of a
13 part of the licensee's ascertainment process.

14 MR. SCHAUBLE: And my objection, Your Honor, is I
15 don't think the testimony from the witness shows that. All
16 she says is she wasn't responsible for approving guests and
17 hosts and she "kept my eye on the program." That's not
18 anything on what Your Honor can base a finding.

19 MR. EMMONS: Well, it means reviewed I think is the
20 context.

21 JUDGE CHACHKIN: All she, all she is saying is what
22 her position was and what her responsibilities were. Now,
23 obviously if you had any problems about whether or not -- you
24 know, problems with her testimony you should have asked for
25 cross-examination or in some way ascertained what she meant